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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/717,891

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Dan L. Dalton

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HEWLETT PACKARD COMPANY  
P O BOX 272400, 3404 E. HARMONY ROAD  
INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER

NEGRON, WANDA M

ART UNIT

PAPER NUMBER

2622

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM  
mkraft@hp.com  
ipa.mail@hp.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/717,891	<b>Applicant(s)</b> DALTON, DAN L.	
	<b>Examiner</b> WANDA M. NEGRON	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13, 14, 16-20, 22, 23, 25-29 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13, 14, 16-20, 22, 23, 25-29 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, see pages 8-11, filed on October 2, 2008, with respect to the rejection(s) of claim(s) 1-14, 16-20, 22, 23, 25-29 and 31 under § 35 USC 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Iijama (US Application Publication No. 2003/0174219 A1). Since this is a new ground of rejection, which was not done because of an amendment, **this action is non-final.**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-3, 5, 7-9, 11, 13, 16-18, 20, 22, 25-28 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Iijama (US Application Publication No. 2003/0174219 A1).**

Regarding **claim 1**, Iijama discloses a method implemented by a digital camera (1), comprising the steps of displaying an image captured by a photosensor (CCD 2) of the digital camera (*i.e.*, displaying a full image file from the DCIM folder which was created in response to an image pick-up operation by the user; see paragraphs [0029] and [0037]); receiving a first user input corresponding to the image displayed by a digital camera (*i.e.*, depressing the [SET] key while selecting the "REGISTER" command; see paragraph [0037], lines 11-18), the first user input comprising a designation of the displayed image as a favorite image (see paragraph [0037], lines 11-18 and paragraph [0038], lines 1-5, wherein the designation consists of placing in the favorite folder a reduced image file having an associated filename corresponding to the displayed image); down-sampling image data corresponding to the displayed image responsive to the first user input (*i.e.*, reducing the displayed image file from 2240x1680 or 1600x1200 pixels to 320x240 pixels; see paragraphs [0029] and [0030]); and storing the down-sampled image data in non-volatile memory (*i.e.*, storing the reduced image files in the memory card 14 or in the internal flash memory 12; see paragraph [0047]).

Regarding **claim 2**, Iijama discloses that the non-volatile memory is integral to the digital camera (*i.e.*, storing the reduced image files in the internal flash memory 12; see paragraph [0047]).

Regarding **claim 3**, Iijama discloses that the non-volatile memory is part of a memory card that is detachably coupled to the digital camera (*i.e.*, storing the reduced image files in the memory card 14; see paragraph [0047]).

Regarding **claim 5**, Iijama discloses retrieving the image data from a memory card coupled to the digital camera prior to down-sampling the image data (see paragraph [0037], lines 1-6).

Regarding **claim 7**, Iijama discloses receiving a second user input at the digital camera corresponding to an option to view favorite images; and displaying an image that is constructed using the down-sampled image data (*i.e.*, selecting the display command when in the cool menu M2 in order to display the reduce image files; see paragraphs [0031] and [0041]).

Regarding **claim 8**, Iijama discloses a method implemented by a digital camera (1), comprising the steps of receiving a first user input corresponding to an image displayed by a digital camera (*i.e.*, depressing the [SET] key while selecting the "REGISTER" command; see paragraph [0037]); and responsive to receiving the first user input: retrieving image data corresponding to the image from a removable memory card coupled to the digital camera (*i.e.*, retrieving the full image file from the DCIM folder 14a of the memory card 14; see paragraph [0037]); and storing image data corresponding to the image in non-volatile memory that is part of the digital camera (*i.e.*,

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storing the reduced image files in the internal flash memory 12; see paragraph [0047]); receiving a second user input corresponding to an option to view favorite images; and displaying the image responsive to the second user input (*i.e.*, selecting the “DISPLAY” command when in the cool menu M2 in order to display the reduced image files; see paragraphs [0031] and [0041]).

Regarding **claim 9**, Iijama discloses capturing the image prior to receiving the first user input; and displaying the image prior to receiving the first user input (*i.e.*, displaying an image captured by a photosensor CCD 2 of the digital camera 1 when the “REGISTER” command is designated on the cool menu M2; see paragraphs [0025] and [0037]).

Regarding **claim 11**, Iijama discloses down-sampling the retrieved image data prior to the step of storing (*i.e.*, reducing the full image file from 2240x1680 or 1600x1200 pixels to 320x240 pixels; see paragraphs [0029], [0030] and [0037]).

Regarding **claim 13**, Iijama discloses a method implemented by a digital camera (1), comprising the steps of: receiving a plurality of user inputs corresponding to a plurality of respective images displayed by the digital camera (*i.e.*, depressing the [SET] key while selecting the “REGISTER” command once for each image displayed when pressing the [→] key or the [←] key; see paragraph [0037], lines 11-18); designating the plurality of images as favorite images responsive to the plurality of respective user

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inputs (see paragraph [0037], lines 11-18 and paragraph [0038], lines 1-5, wherein the designation consists of placing in the favorite folder a reduced image file having an associated filename corresponding to the displayed image); responsive to the plurality of user inputs: down-sampling the plurality of images (*i.e.*, reducing the displayed image file from 2240x1680 or 1600x1200 pixels to 320x240 pixels; see paragraphs [0029] and [0030]); and storing the down-sampled images in non-volatile memory in the digital camera (*i.e.*, storing the reduced image files in the memory card 14 or in the internal flash memory 12; see paragraph [0047]); receiving another user input corresponding to an option to display favorite images; and displaying at least one of the plurality of images responsive to receiving the other user input (*i.e.*, selecting the “DISPLAY” command when in the cool menu M2 in order to display the reduced image files; see paragraphs [0031] and [0041]).

Regarding **claim 16**, Iijama discloses a method of claim 13, further comprising: capturing each of the plurality of images; displaying each of the plurality of images (*i.e.*, displaying the images captured by a photosensor CCD 2 of the digital camera 1 when the “REGISTER” command is designated on the cool menu M2; see paragraphs [0025] and [0037]).

Regarding **claim 17**, Iijama discloses a digital camera (1) comprising: non-volatile memory (memory card 14 or internal flash memory 12); user input keys (key input section 7); a display screen (display device 6) configured to display an image

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captured by the digital camera (*i.e.*, displaying an image captured by a photosensor CCD 2 of the digital camera 1 when the “REGISTER” command is designated on the cool menu M2; see paragraphs [0025] and [0037]) and display a favorites menu option in response to selection of one of the user input keys (*i.e.*, the cool menu option; see figures 3-6); and at least one processor (DSP/CPU 3) that is programmed to: down-sample image data corresponding to an image displayed by the digital camera responsive to the selection of the one of the user input keys corresponding to the favorites menu option (see paragraph [0027], last sentence, and paragraph [0037]); and provide the down-sampled image data to the non-volatile memory (*i.e.*, storing the reduced image files in the memory card 14 or in the internal flash memory 12; see paragraph [0047]).

Regarding **claim 18**, Iijama discloses that the image data is retrieved from the non-volatile memory prior to being down-sampled (*i.e.*, retrieving the full image file from the DCIM folder 14a of the memory card 14; see paragraph [0037]).

Regarding **claim 20**, Iijama discloses that the image data is retrieved from a memory card coupled to the digital camera prior to the image data being down-sampled (*i.e.*, retrieving the full image file from the DCIM folder 14a of the memory card 14; see paragraph [0037]).



Regarding **claim 22**, Iijama discloses a digital camera (1) comprising: a display (display device 6); and at least one processor (DSP/CPU 3) that is programmed to: designate a plurality of images as favorite images responsive to the digital camera receiving a plurality of respective user inputs (see paragraphs [0026]-[0029] and [0037]-[0038], wherein the designation consists of placing in the favorite folder a reduced image file having an associated filename corresponding to the displayed image [0037]); and provide image data corresponding to at least one of the plurality of images to the display responsive to the digital camera receiving another user input corresponding to an option to display favorite images (*i.e.*, selecting the “DISPLAY” command when in the cool menu M2 in order to display the reduced image files; see paragraphs [0031] and [0041]), wherein the at least one processor is further programmed to down-sample data corresponding to each of the plurality of images responsive to each of the plurality of respective user inputs (*i.e.*, DSP/CPU 3 reduces the full image file from 2240x1680 or 1600x1200 pixels to 320x240 pixels when depressing the [SET] key while selecting the “REGISTER” command; see paragraphs [0027], [0029], [0030] and [0037]).

Regarding **claim 25**, Iijama discloses a non-volatile memory configured to store the down-sampled data (*i.e.*, storing the reduced image files in the memory card 14 or in the internal flash memory 12; see paragraph [0047]).

Regarding **claim 26**, Iijama discloses that the at least one processor is further programmed to provide the down-sampled data to the non-volatile memory (see paragraphs [0026]-[0027] and [0047]).

Regarding **claim 27**, Iijama discloses a photo-sensor configured to sense light corresponding to the image (CCD 2; see paragraph [0025]); and a user-input interface configured to receive the user input (key input section 7).

Regarding **claim 28**, Iijama discloses a digital camera (1) comprising: means for receiving a plurality of user inputs corresponding to a plurality of respective images displayed by the digital camera (key input section 7; see paragraph [0037]); means for designating the plurality of images as favorite images responsive to the plurality of respective user inputs (see paragraph [0037], lines 11-18 and paragraph [0038], lines 1-5, wherein the designation consists of placing in the favorite folder a reduced image file having an associated filename corresponding to the displayed image); means for down-sampling the plurality of images responsive to the plurality of respective user inputs; means for storing the down-sampled images (*i.e.*, DSP/CPU 3 for reducing the full image file from 2240x1680 or 1600x1200 pixels to 320x240 pixels; see paragraphs [0027], [0029], [0030] and [0037]); and means for displaying at least one of the plurality of images (display device 6) responsive to receiving another other user input corresponding to an option to display favorite images (*i.e.*, selecting the "DISPLAY"

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command when in the cool menu M2 in order to display the reduced image files; see paragraphs [0031] and [0041]).

Regarding **claim 31**, Iijama discloses a means for capturing each of the plurality of images (CCD 2; see paragraph [0025]) and a means for displaying each of the plurality of images (display device 6).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

### **Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iijama (US Application Publication No. 2003/0174219 A1).**

Regarding **claim 6**, as mentioned in the discussion of claim 1 above, Iijama discloses all the limitations of the parent claim. In addition, Iijama discloses retrieving the image data from a non-volatile memory prior to down-sampling the image data (see paragraph [0037]).

The concept of a digital camera that has an integral non-volatile memory is well-known in the art, as evidenced by Iijama (see internal flash memory 12 in figure 1). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to try to retrieve the image data from a non-volatile memory that

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is part of the digital camera since a person with ordinary skill has good reason to pursue the known options within his or her technical grasp if this leads to an anticipated result. Furthermore, it would have been an obvious matter of design choice to retrieve the image data from a non-volatile memory that is part of the digital camera since the applicant has not disclosed that using a non-volatile memory that is part of the digital camera solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a non-volatile memory that is detachably coupled to the digital camera, as disclosed by Iijama (memory card 14).

**Claims 4, 10, 14, 19, 23 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iijama (US Application Publication No. 2003/0174219 A1), and further in view of Bittner et al (US Patent No. 6,330,400 B1), hereinafter referred to as Bittner.**

Regarding **claims 4, 10, 14, 19, 23 and 29**, as discussed in the rejection of claims 1, 8, 13, 17, 22 and 28 above, Iijama discloses all the limitations of the respective parent claims. The concept and the advantage of outputting image data from a digital camera to a television is well-known in the art, as evidenced by Bittner (see col. 11, lines 23-27).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to output the down-sampled image data to a television when selected by a user because “[t]his allows images to be previewed or shared with others” (see Bittner, col. 11, lines 27-28).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to WANDA M. NEGRON whose telephone number is (571)270-1129. The examiner can normally be reached on Mon-Fri 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wanda M. Negrón/

Examiner, Art Unit 2622

February 3, 2009

/Sinh N Tran/

Supervisory Patent Examiner, Art Unit 2622